

Applicant: Cong Thanh DINH
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REMARKS

Independent claim 6 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,989,206 to McAfee et al. (hereinafter "McAfee").

The Examiner states that McAfee discloses a reversible bracket for attachment to an open face of an outlet box. The Examiner provides a sketch showing Figure 1 of the McAfee patent where allegedly, the corresponding parts to the claimed invention are noted. As it relates to claim 6 of the present invention, McAfee fails to be an anticipatory reference. Accordingly, the rejection is respectfully traversed.

Claim 6 is directed to a reversible bracket for attachment to an open face of an outlet box. Claim 6 specifically recites a planar flange having opposed surfaces and a bounded access member extending through the flange where the access member defines oppositely extending rims. One of the rims is located at first distance from the open face of the box when the flange is in the first position and the other of the rims is located a second distance from the open face of the box when the flange is in the reversible second position.

McAfee shows an outlet box cover including a planar flange having an opening therethrough frangible tunnel member 30 is insertable into the opening. Tunnel member is insertable through the opening in the flange and attached thereto by screws which are insertable into screw openings 32 in the tunnel member. The tunnel member can be inserted into the flange in only one direction.

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Figure 3 of McAfee shows the tunnel member positioned within the opening of the flange. While it is the case that one rim of the tunnel is spaced a different distance from the open front face of the box than the other rim of the tunnel, there is no disclosure of the rims being located at different longitudinal positions with respect to the open front face of the box in a reversible second position.

The tunnel of McAfee can be inserted in only one direction. Regardless of whether or not, the bracket can be reversed, the rim of the tunnel is never at a different position. The screw structure which attaches the tunnel to the rim only allows insertion of the tunnel in one direction. Thus, even if the flange is reversed, the rim location remains constant. Reversal of the flange, even if possible, does not result in the other rim being located at a second distance from the open front face because the tunnel cannot be reversed. Adjustment of the depth of the tunnel member is provided by break away sections 28, which is the section which is always inserted into the box, is the longer section. The tunnel is not repositioned by reversal of the flange. Thus, at all times, the rim of section 28" is always at the same distance from the front face of the box. Desired changes in the depth of the tunnel may be achieved by removing one or more of the other sections 28.

Therefore, as it relates to claim 6 of the present invention, McAfee clearly fails to disclose one of the rims of the access member being located at first distance from the open front face of the box when the flange is in the first position and the other of the rim being located at a second distance from the open front face of the box when the flange is

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in the reversible second position. McAfee therefore cannot be anticipatory of claim 6 of the present invention.

Independent claim 8 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,931,325 to Filipov. The Examiner contends that Filipov discloses an electrical box having a bracket comprising a planar flange including an opening therethrough. The opening is bounded by said first extending wall extending a first distance in a first direction, a second extending wall extending a second distance in a second direction. The Examiner provides a sketch B outlining how the Examiner believes Figure 3 of Filipov anticipates claim 8. This determination is respectfully traversed.

Clearly claim 8 is directed to a bounded opening defined by a wall where the wall extends into and out of the box in an opposition direction. Contrary to this, the Examiner contends that the wall portions of Filipov which extends laterally sideways with respect to the box read on claim 8 of the present invention. It is respectfully submitted that the Examiner's interpretation of Figure 3 of Filipov does not read on claim 8 of the present invention.

The Examiner's attention is directed specifically to line 7 of claim 8 where the opening is bounded by a first extending wall and a second extending wall. Claim 8 therefore recites that each of the extending walls must bound the opening. In the Examiner's interpretation of Figure 3 of Filipov, as illustrated by his hand sketch, the Examiner contends that one side of the bounding wall is defined as the first extending

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wall while the other side of the bounding wall is considered the second extending wall. However, this would fail to meet the limitation of claim 8 as each of the extending walls must bound the opening. The Examiner's interpretation of Filipov requires that each side of the flange be its own extending wall. Therefore, neither wall alone could bound the opening. Moreover, even both taken together could not bound the opening as they merely straddle the opening.

Claim 8 clearly requires that each of the first and second extending walls bound the opening. Thus claim 8 can only be read to refer to the walls about and extending oppositely from the opening. As such, Filipov fails to disclose each element of claim 8.

Moreover, the bounded walls recited in claim 8 must extend both a first and second distance from the planar flange. In Sketch B, the Examiner has failed to indicate which portion of Filipov he considers to be the planar flange. However, assuming that the flange is the flat planar portion having the screw slots, each of Filipov's side walls extend a different distance from the opening, they do not extend a different distance from the flange itself. The flange and the walls cannot be the same component and read on claim 8. The first and second distances pointed out by the Examiner are directed from the edge of the flange along the flange itself and not the distance from said planar flange. The flange cannot extend from itself. As such, Filipov further fails to meet the limitations of claim 8.

Filipov therefore is not anticipatory of claim 8.

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Independent claims 8 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,042,673 to McShane. The Examiner provides no sketch attempting to apply McShane to the claims of the present invention. It is the Examiner's contention that McShane shows a bracket having a planar flange 34,36 including an opening 30,32 therethrough. The opening is bounded by a first extending wall 28 and a second extending wall 26. As it relates to claim 8 of the present invention, McShane fails to be anticipatory thereof.

First, as noted above with respect to Filipov, each of the individual side walls 26 and 28 of McShane are not and cannot be a bounded extending wall as recited in the claims. The arguments put forth above are equally applicable here.

Second, and as importantly, it does not appear that the side walls 26 and 28 extend a different distance, nor are in opposite directions from the planar flange. Figure 1 of McShane which is referred to by the Examiner does not show any difference in length of side walls 26 and 28, even if such could be applied to claim 8. Therefore, the Examiner has not shown how Figure 1 of McShane reads on claim 8 of the present invention. Moreover, with respect to McShane, the Examiner has apparently failed to consider at all limitation that the first direction must be opposite the second direction.

Clearly, McShane fails to anticipate claim 8 of the present invention.

Turning now to claim 11, a method of attaching an electrical box to a stud is recited. The method steps include providing a bracket having a planar flange, attaching the bracket to an electrical outlet box such that one of the first or second extending walls

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extends into the box interior and the other of said first or second walls extends outwardly from the face of the stud.

The Examiner hasn't even attempted to apply McShane to claim 11 stating in conclusory fashion that claim 11 is the method counterpart of claims 8 and 9.

In the first place, claim 11 is not merely the method counterpart of claim 8. For example, claim 11 specifically recites that one of the first or second walls extends into the box while the other of the first or second walls extends outwardly from the box. A limitation similar to this can be found nowhere in claim 8.

Moreover, the McShane reference is so different from invention set forth in claim 8 that it is difficult to even cogently counter the Examiner's argument. The Examiner has failed to point out, and in fact McShane fails to disclose, one of a first or second extending walls extending into the box with the other of the first or second extending walls extending outwardly from the face of the stud. The Examiner's attention is called to Figure 8 of McShane where it does not appear that any portion of the McShane device extends outwardly from the face of the stud. Therefore, it is respectfully submitted that McShane fails to anticipate claim 11.

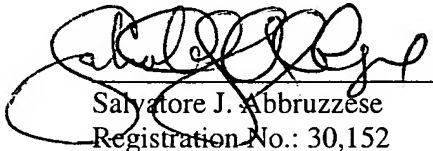
As the Examiner is well aware, it is an axiom of patent law that each and every element of the claimed invention be found within each allegedly anticipatory reference. The Examiner has not and cannot show that any of the cited references taken alone clearly disclose each element of the independent claims. Therefore, as a matter of law, none of the references cited by the Examiner anticipates the independent claims of the

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present invention. Therefore the application including claims 6-12 is believed to be in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions or comments concerning this application or this amendment, he or she is invited to contact the undersigned counsel.

Respectfully submitted,



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